

**COMMUNITY REVIEW BOARD ON POLICE PRACTICES**

**MINUTES**

**Tuesday, February 28, 2017  
Cherokee Point Elementary School  
3735 8<sup>th</sup> Street  
San Diego, CA 92105**

**Members Present:**

Douglas Case, Chair	Sheila Holtrop	Ernestine Smith
Joe Craver, 1 <sup>st</sup> Vice Chair	Thomas Lincoln	Richard Stanford
Brandon Hilpert, 2 <sup>nd</sup> Vice-Chair	Maria Nieto-Senour	Pauline Theodore
Diana Dent	Pieter O'Leary	Nancy Vaughn
Reinaldo Galindo	Mary O'Tousa	
Taura Gentry	John Sieger	

**Members Absent:**

Goodwin Higa (LOA)  
Martin Workman

**Prospective Members Present**

Darwin Fishman (Alt)  
Jonathan Colby

**Prospective Members Absent:**

Shawn Fields (LOA)  
Greg Daunoras

**Staff Present:**

Sharmaine Moseley, Executive Director, CRB  
Denise Sandoval, Complaint Coordinator, CRB  
William Gersten, Deputy City Attorney, City Attorney's Office  
Shelley Zimmerman, Chief of Police, San Diego Police Department  
Todd Jarvis, Executive Assistant Chief, San Diego Police Department  
Chris McGrath, Captain, San Diego Police Department  
Chris Knighten, Lieutenant, San Diego Police Department  
Jason Weeden, Lieutenant, San Diego Police Department  
Angelica Navarro-Moran, Detective, Internal Affairs, San Diego Police Department

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- I. CALL TO ORDER/WELCOME: Chair Doug Case (6:30 p.m.)
  - II. PURPOSE OF THE COMMUNITY REVIEW BOARD ON POLICE PRACTICES  
Chair Doug Case explained the purpose of the Community Review Board on Police Practices to those in attendance.
  - III. APPROVAL OF MINUTES:

- CRB Open Meeting Minutes of January 24, 2017

**Motion** made by 1<sup>st</sup> Vice Chair Joe Craver to approve minutes of January 24, 2017 as amended. The motion was seconded by Nancy Vaughan. The motion passed unanimously.

- CRB Special Meeting Minutes of February 14, 2017

Tabled to March 28, 2017

IV. NON-AGENDA PUBLIC COMMENT: (Speaker Slip Required)

- A. Cholle Crite
- B. Evie Kosower
- C. Susan Morris

V. GUEST SPEAKER: Mara Elliott (City Attorney, City of San Diego)

A. Brief Overview of City Attorney's Office and Shared Accomplishments (12 weeks).

- i. Ongoing attendance at community meetings
- ii. Appointed Deputy City Attorney's to each police sub-division to work closely with the officers
- iii. Prosecution of all Hate Crimes in the City of San Diego
- iv. Allocated staff to the Domestic Violence Unit. Support of policy on strangulation, as those victims are more likely to be at risk of death.
- v. Encourages people to voice opinions at City Council meetings, so that issues can be brought to light and taken care of.

B. Leadership Team

- i. Gerry Braun, Chief of Staff, Media Relations
- ii. John Hemmerling, Assistant City Attorney
- iii. George Shaffer, Civil Litigator
- iv. Mary Nuesca, Civil Advisory Division
- v. Paul Cooper, Special Projects/ Civil Diversity Officer

VI. UNFINISHED BUSINESS (DISCUSSION/ACTION)

A. Policy Committee Recommended Motion Regarding SDPD Canine Policy

"The CRB recommends to the SDPD that complaints regarding canine deployment be reviewed by IA as a Use of Force (Category 1) after evaluation by the Canine Unit. If this recommendation is implemented, a special training on SDPD canine deployment policies should be provided to the CRB."

*\* Referred back to the Policy Committee\**

B. Operational Standing Rule: Case Review Procedure (pages 6-10)

**Section 3: "The Outcomes of CRB Case Review."** (Page 10/ Section 3)

**Action 1:** If additional information comes up during discussion and voting, the team can voluntarily remove the case for reconsideration. The Board can refer the case back to the team for reconsideration.

**Action 2:** If the team and Board agree with all IA findings, the case is closed or the case is forwarded to the mayor.

**Action 3:** If the Team disagrees and Board agree, the Team revises its report to reflect the Board position or if the Team does not accept Board position, the Board Chair writes a supplemental statement to reflect the Board's position, or the case is forwarded to the Mayor with a cover letter detailing the disagreement.

**Action 4:** If The Board disagrees with at least one I.A. finding, the case is referred back to the Team with guidance or without guidance or the case is closed as disagreement, or forwarded to the Chief of Police for information, or the case is forwarded to the Mayor for review and adjudication. After adjudication, the Mayor's report is attached to CRB report and the case is closed.

**Action 5:** If the Board is unable to reach the required ten votes, the Board can either vote to close the case as a failure to achieve consensus or the case is referred to the Mayor's office. Particularly if the Board lacks enough members to vote in either position.

**Add clarifying language to Action 4:** "Notify the Chief of Police if there is such disagreement within the board." It was noted that there were no objections from the Board to add clarifying language.

*Page 11 item, will not be discussed tonight because we are waiting for additional independent legal counsel opinion.*

**Add clarifying language to Section 3 paragraph summary, second to the last sentence** "Possible outcomes are described in the following five outcomes." Delete last sentence of the paragraph.

*Page 12, "Regardless of the outcome of the vote, a copy of the CRB case report will be sent to commanding officer." This is an item for is on hold for independent legal counsel to examine as well.*

Chair Case suggested that the Board read Sections 4, 5 and 6. The Board will go through them individually for any comments or suggestions.

Member Mary O'Tousa suggested the addition of: Body Worn Camera (BWC) footage. Page 12 Section 4 Paragraph 2

Chair Case suggested adding after "Additional documents may also be provided. I.A. report can include but is not limited to"

It was noted that there were no objections to any of the suggestions.

The Board will continue with Section 6 at its March 28, 2017 Open Session Meeting.

## VII. COMMITTEE REPORTS (DISCUSSION/ACTION)

- A. Continuing Education Committee (Pieter O'Leary)
  - Bus Tour coming up in March
- B. Outreach Committee (Taura Gentry)
  - City's Communication Department will help with outreach
  - Business cards have been ordered
  - Members Stanford and Colby volunteered to do outreach at La Jolla Events.
  - Community Wrap Program

- Planning for Rancho Bernardo Area for Outreach
- Councilmember Georgette Gomez Event
- C. Rules Committee (Brandon Hilpert)
  - Category II Audit of Cases
    - Learning Process of the Audit
    - Race and Gender Data Collection
    - Information will be included in the Annual Report
    - Provide Quality Control for Command Level Investigation.
- D. Policy Committee (Joe Craver)
  - 3 new issues added to the agenda for the Committee. The next meeting will take place prior to the next closed session meeting in March
- E. Recruitment & Retention Committee (Joe Craver)
  - Team Leader Meeting
- VIII. CHAIR'S REPORT (Doug Case)
  - A. CRB Work Plan (handout) – Revised work plan will be made available for next meeting. The Board will go over it after the next Open Session meeting.
  - B. Municipal Code to Implement Measure G – Requires an ordinance change which the Deputy Chief Operating Officer is working on. It will then go to the City Attorney for review and then to the Mayor or City Council. We are in a holding stage especially with the Bylaw changes. It is a priority to get done before the end of the fiscal year.
- IX. EXECUTIVE DIRECTOR'S REPORT (Sharmaine Moseley)
  - A. CRB Caseload Update
 

Today we started out with a total of 15 cases assigned to CRB teams.
  - B. Community Events/Forums/Meetings
    - i. Independent Legal Counsel RFP
    - ii. City Council Meeting –SDPD Traffic Stop Data & Confirmation of members to Community Advisory Board
    - iii. New Administrative Assistant Position Update – Interviews, Filling of Position
    - iv. Housekeeping Items: CRB Shirt Status (Brandon Hilpert) , Business cards, and Poster Boards (Denise Sandoval)
- X. SAN DIEGO POLICE DEPARTMENT REPORT (Exec. Asst. Chief Todd Jarvis):
  - A. Importance for Members Participation in Ride-alongs
  - B. Timelines for Officer Discipline
- XI. CITY ATTORNEY REPORT (William Gersten): None
- XII. BOARD MEMBER ANNOUNCEMENTS/COMMENTS: None
- XIII. NEW BUSINESS (DISCUSSION/ACTION): None
- XIV. ADJOURNMENT: 8:10 p.m.

Next CRB Meeting is Closed Session on March 14, 2017